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**GOVERNOR PATRICK FILES LEGISLATION TO  
RESTRUCTURE LABOR RELATIONS AGENCIES FOR  
INCREASED PERFORMANCE, EFFICIENCY**

**BOSTON**—Friday, September 14, 2007—Governor Deval Patrick has filed Article 87 legislation to restructure the state's three labor agencies charged with resolving Massachusetts public labor disputes, the Board of Conciliation and Arbitration (BCA), Labor Relations Commission (LRC), and Joint Labor-Management Committee (JLMC). The action is being taken to combat long-time operational inefficiency and improve performance following earlier reports of an existing 600 plus case backlog at the LRC and overlap in duplicative administrative functions.

"This legislation calls for measures to increase accountability, efficiency and transparency within our labor-related agencies so that they perform as an effective 21<sup>st</sup> century business, not as a bureaucracy," said Governor Patrick.

“Today’s action follows extensive discussion with the public and private sector and management and labor attorneys who have told us that change is needed and needed now.”

“Years of neglect, under-funding, and duplication of staff functions has led to unnecessary case backlogs and skyrocketing costs for cities and towns in the form of providing back pay from grievances filed years ago,” said Secretary Bump. “We are committed to overhauling the labor relations agencies because taxpayers and cities and towns deserve a state government that works well on their behalf.”

The legislation calls for:

- **Merging the LRC, BCA and the JLMC into one agency** to be known as the Division of Labor Relations (DLR). The separation of Massachusetts labor relations work into three agencies has resulted in the unnecessary duplication of many costs. Each agency currently has its own department head, administrative support staff and separate budgetary responsibility.
- **Appointing a full-time Commissioner, appointed by the Governor who will manage the DLR.** This individual would have administrative responsibility for the three agencies, including the authority to hire, terminate and assign personnel. This includes making sure staff are trained and can shift from agency to agency depending on workload. An example of this authority could include moving mediators from their current duties as a “BCA mediator” to another sector of the DLR in need of more help to reduce or avoid a backlog.
- **Establishment of a Commonwealth Employment Relations Board (CERB).** Establishment of a three member appellate body appointed by the Governor for definite, yet staggered terms, and headed up by a full-time Chair, following review by an independent nominating panel. As a result, CERB members will be diverse, independent, and removed from political influence, and will be required to have legal training and familiarity with public sector labor law.
- **Creation of a statutory Advisory Council on Public Employment Relations.** Members of the Advisory Council will be appointed by the Governor and include an equal number of representatives of public sector employees and employers, as well as the Director of Labor, labor relations dispute professionals, academics, and members of the public. CERB members will regularly provide advice to the new agency, but also qualify candidates for the CERB and the Director of the Division of Labor Relations director and establish performance standards. Relying on a nominating/screening panel has proven to be a highly successful in improving the quality of candidates for other administrative adjudicators, including those at the Department of Industrial Accidents and the Division of Unemployment Assistance.
- **Streamlining the process for resolving public sector labor disputes, while enhancing the role of the professional staff.** Professional

dispute resolution staff will work in areas where needed, as assigned by the DLR director. Professional staff will also be empowered to hold investigative meetings early on and resolve disputes more quickly.

The reorganization under Article 87 of the Massachusetts Constitution must be voted up or down without amendment by the Legislature within 60 days.

John Cochran, former Chief Counsel of the LRC for 20 years and past president of the Association of Labor Relations Agencies and current full-time arbitrator and mediator, expressed support for the legislation, saying, "The proposed legislation offers a logical, thoughtful, well-crafted alternative to the inefficient system that is currently in place. Instead of three separate agencies that each deal with only aspect of public sector labor relations disputes, the legislation would create a single, comprehensive agency staffed by labor relations professionals who can perform more than a single function within the agency."

He added, "In my view, the proposal, which relies on the structures and procedures of some of the most efficient and effective state labor relations agencies around the country, will provide a cost-effective way for the Commonwealth to foster a positive labor relations climate in Massachusetts by providing a unified agency that can better assist public employers and public employee unions to resolve disputes in a timely manner."

"We look forward to working with the Legislature to enact this legislation so that users of these agencies can have their grievances addressed fairly and quickly," said Bump.

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